

FILED IN THE UNITED STATES DISTRICT COURT
U.S. DISTRICT COURT FOR THE DISTRICT OF UTAH

2015 JAN 22 A 10:13

ADAM JASON PALOMBI
AKA KYRON PALOMBI,

BY: _____
DEPUTY CLERK
Plaintiff,

v.

NICOLE RAE et al.,

Defendants.

IN FORMA PAUPERIS ORDER

Case No. 2:15-CV-25 CW

District Judge Clark Waddoups

Plaintiff, Adam Jason Palombi AKA Kyron Palombi, an inmate at Kane County Jail, has filed a *pro se* civil complaint.¹ The filing fee is \$350.² However, Plaintiff asserts he is unable to prepay the filing fee. He thus applies to proceed without prepaying the filing fee and submits a supporting affidavit.³

The Court grants Plaintiff's request to proceed without prepaying the entire filing fee. Even so, Plaintiff must eventually pay the full \$350.00.⁴ Plaintiff must start by paying "an initial partial filing fee of 20 percent of the greater of . . . the average monthly deposits to [his inmate] account . . . or . . . the average monthly balance in [his inmate] account for the 6-month period immediately preceding the filing of the complaint."⁵ Under this formula, Plaintiff must pay \$40.77. If this initial partial fee is not paid within thirty days, or if Plaintiff has not shown he has

¹See 42 U.S.C.S. § 1983 (2014).

²See 28 *id.* § 1914(a).

³See *id.* § 1915(a).

⁴See *id.* § 1915(b)(1).

⁵*Id.*

no way to pay it, the complaint will be dismissed.

Plaintiff must also complete the attached "Consent to Collection of Fees" form and submit the original to the inmate funds accounting office and a copy to the Court within thirty days so the Court may collect the balance of the filing fee. Plaintiff is notified that, based on Plaintiff's consent form submitted to this Court, Plaintiff's correctional institution will make monthly payments from Plaintiff's inmate account of twenty percent of the preceding month's income credited to Plaintiff's account.

IT IS THEREFORE ORDERED that:

(1) Plaintiff may proceed without prepaying his filing fee; however, he must eventually pay the full filing fee of \$350.00.

(2) Plaintiff must pay an initial partial filing fee of \$40.77 within thirty days, or his complaint will be dismissed.

(3) Plaintiff must make monthly payments of twenty percent of the preceding month's income credited to Plaintiff's account.

(4) Plaintiff shall make the necessary arrangement to give a copy of this Order to the inmate funds accounting office or other appropriate office at Plaintiff's correctional facility.

(5) Plaintiff shall complete the consent to collection of fees and submit it to his correctional institution's inmate funds accounting office and also submit a copy of the signed consent to this Court within thirty days from the date of this Order or the complaint will be dismissed.

DATED this 20 day of January, 2015.

BY THE COURT:



CHIEF MAGISTRATE JUDGE BROOKE C. WELLS
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

CONSENT TO COLLECTION OF FEES FROM INMATE TRUST ACCOUNT

I, Adam Jason Palombi AKA Kyron Palombi (Case # 2:15-CV-25 CW), understand that even though the Court has granted my application to proceed *in forma pauperis* and filed my complaint, I must still eventually pay the entire filing fee of \$350.00. I understand that I must pay the complete filing fee even if my complaint is later dismissed.

I, Adam Jason Palombi AKA Kyron Palombi, hereby consent for the appropriate institutional officials to withhold from my inmate account and pay to the court an initial payment of \$40.77, which is 20% of the greater of:

- (a) the average monthly deposits to my account for the six-month period immediately preceding the filing of my complaint or petition; or
- (b) the average monthly balance in my account for the six-month period immediately preceding the filing of my complaint or petition.

I further consent for the appropriate institutional officials to collect from my account on a continuing basis each month, an amount equal to 20% of each month's income. Each time the amount in the account reaches \$10, the Trust Officer shall forward the interim payment to the Clerk's Office, U.S. District Court for the District of Utah, 351 S. West Temple, Rm. 1.100, Salt Lake City, UT 84101, until such time as the \$350.00 filing fee is paid in full.

By executing this document, I also authorize collection on a continuing basis of any additional fees, costs, and sanctions imposed by the District Court.

Signature of Inmate
Adam Jason Palombi AKA Kyron Palombi